

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	S	DEMAND OTHER	JUDGE NUMBER	JURY DEM.	DOCKET	
	YR.	NUMBER	MO	DAY	YEAR										YR.	NUMBER
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PLAINTIFFS

GILKEY, David E., Administrator of the
Estate of Durward M. GILKEY, Deceased

DEFENDANTS

WACHTMAN DRILLING COMPANY & GEOLOGICAL
& ENGINEERING CONSULTANTS, A Partner-
ship composed of H. C. WACHTMAN &
Dean SCHROEDER

Wachtman Drilling Company, a part-
nership composed of H. C. Wachtman,
Jr., and Dean H. Schroeder; and
Geological & Engineering Consul-
tants, a partnership composed of
H. C. Wachtman, Jr., and Dean H.
Schroeder;
H. C. Wachtman, Jr., an individual,
and Dean H. Schroeder

CAUSE

28: U.S.C. 1332 Personal injury.

ATTORNEYS

✓ John H. Kennedy
1303 North Western
Oklahoma City, Oklahoma 73106
(405-528-6356)

*2107 15th St
Hunt County, Okla.*

Earl D. Mills
David W. Edmonds
Foliart, Mills & Niemeyer
2020 1st Natl. Center
Okla. City, Okla. 73102

282-4633
W. Robert Wilson
Kane, Kane, Wilson & Mattingly
503 Commerce Bldg., P.O.Box 1019
Pawhuska, Oklahoma 74056
(287-3288 or 287-3143)

<input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS	FILING FEES PAID			STATISTICAL CARDS	
	DATE	RECEIPT NUMBER	C.D. NUMBER	CARD	DATE MAILED
				JS-5	7-1-75
				JS-6	10-1-77

DATE	NR.	PROCEEDINGS
6-6-75	1.	Complaint filed and summons issued. v
6-9-75	2.	<u>Jury demand</u> by pltf., filed. rm
6-17-75	3.	U.S. Marshals service returned and filed. Served Summons upon H. C. W XXXX Wachtman and Dean Schroeder, 6-10-75 at Pawhuska, Okla. (USM \$19.20)jj
6-26-75	4.	ANSWER filed by deft.jj w/DEMAND FOR JURY TRIAL
6-26-75	5.	Interrogatories to Pltf., filed.jj
6-26-75	6.	Motion to Consolidate, filed.jj
6-26-75	7.	Brief in Support of Mtn. to Cons., filed.jj
		MO: It is ordered by the Court that the plaintiff file a responsive brief within 10 days to the defendants' Mtn. to Consolidate.(HDC-J)jj
8-7-75	8.	Plaintiff's Application for Extension of Time in Which to Answer Interrogatories, filed. mm
8-7-75	9.	Order granting an additional 30 days to the plaintiff in which to file answer to interrogatories, filed. (Til Aug. 24, 75) HDC-J cps mld mm
8-25-75	10	Answers to interrogatories to plaintiff, filed. g
8-25-75	11	Appl. to file amended pleading, filed. g
8-25-75	12	Order granting leave to file amended pleading, filed. (HDC-J)g
8-25-75	13	Amended complaint, filed. g
8-25-75	14	<u>Order, filed, consolidating No. 75-C-219 with this case.</u> (HDC-J)g
8-28-75	15.	Defendants Request for Production of Documents and Things, filed. mm
9-8-75	16.	Defendants Answer to pltf's Amended Complaint, filed. lm
10-16-75	MO:	Case set for PT hearing 1-8-76 at 10:00 a.m. (HDC-J)hm
10-20-75	17.	Pltf's interrogs. to deft, filed. lm
11-24-75	18	Deft's. ans. to interrogs, filed. tc
12-29	19.	Pltf's applic. to strike case from PT docket, filed. hm
12-29	20.	Pltf's request for production of documents and things, filed. hm
12-29	21	Order, filed, striking case from PT Docket of 1-8-76 to be reset at a time convenient to the Court, filed . (HDC-J)lm cps mld.
<u>1976</u>		
1-8	22.	Appl. of Pltf. for Permission to File 2nd Amended Complaint, filed.jj
1-8	23.	Order, filed, granting pltf. permission to file 2nd Amended Complaint. jj copies mailed
1-8	24	SECOND AMENDED COMPLAINT, filed.jj
1-22	25	Motion of defendant for S/Judgment, filed. g
1-22	26	Brief in support of motion for S/Judgment, filed. g
1-22	MO	Ordered by the Court that Pltf. file responsive brief to mot. for S/J within 10 days. (HDC-J)g
1-26	27	Defts' Exhibits A, B & C in support of mot. for S/J, filed. g
2-2	28	Answer to second amended complaint, filed. g
2-13	29.	Appl. to File Resp. of Pltf. to Defts' Mtn for S/J & Other Pleadings Out of Time, filed. O to J jj
2-13	30.	Appl. to Make Addtl. Parties Deft: To File a 3rd Amended Complaint in Cause No. 75-C-218; to File a 2nd Amended Complaint in Cause No. 75-C-219; and to issue and serve new summons on all defts.,filed.jj O to J

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 75-C-219 (Cons.) 218 PAGE ____ OF ____ PAGES
GILKEY, David E. etc.		WACHTMAN DRILLING COMPANY & GEOLOGICAL & ENGR. etc.	
DATE	NR.	PROCEEDINGS	
2-13	MO:	Ordered by the Court that deft. is granted 10 days from this date to respond to pltf's Appl. to Make Addtl. Parties Deft., to File a 3rd Amended Complaint in Case No. 75-C-218; To File A 2nd Amended Complaint in Case No. 75-C-219; And To Issue and Serve New Summons on All Defts.(HDC-J) ltr. mailed.	
2-13	31.	Order, filed, granting permission to file response to defts' motion for S/J, Brief in Support of Respons, and Exhibits offered by pltf. in support of his response out of time.(HDC-J)jj copies mailed	
2-13	32.	Response of Pltf to Deft's Mtn for S/J, filed.jj	
2-13	33.	Brief in Support of Pltf's Resp. to Deft's Mtn for S/J, filed.jj	
2-13	34.	Exhibits offered by Pltf in Support of his Resp. to Deft's Mtn for S/J, filed.jj	
2-19	35.	Addl. exhibits offered by pltf. in support of response to def.'s mo/SJ, <u>with leave of Court</u> to file out of time,filed.(HDC-J)rm (Affidavits of Maxine Gilkey and David E. Gilkey attached)	
2-27	36.	Defts' applic. for ext. of time to file a response, filed. hm	
3-5	37.	Brief in response to Pltf.'s Appl. to Make Additional parties deft.; to file a 3rd Amended Complaint in Cause No. 75-C-218; to file a 2nd Amended Compl. in Cause No. 75-C-219; & to issue & serve new summons on all defts., fld. v	
3-5	38	Order, filed, granting defts. until 3-4-76 to file response. (HDC-J)g	
3-19	39.	Aff. of H.C. Wachtman, Jr., in support of brief in response to Pltf.'s appl. to make add. parties deft., etc., filed. v	
3-19	40.	Aff. of Dean H. Schroeder in support of brief in response to Pltf.'s appl. to make add. parties deft., etc., filed. v	
4-27	41.	Reply brief of def.in response to ans. brief of pltf., filed, <u>with leave of Court</u> .(HDC-J)rm	
6-2	42.	Order, filed, overruling deft's motion for S/J, and allowing pltf. to file third amended complaint in 75-C-218 & second amended complaint in 75-C-219, adding defts. (see front of docket sheet).(HDC-J)h	
6-2	43.	Third amended complaint (75-C-218), filed. hm	
6-2	44.	Second amended complaint (75-C-219), filed. hm	
6-8	--	Summons issued for new party defts. added 6-2-76. ph	
6-14	--	Summons, Third Amended Complaint in case 75-C-218 and Second Amended Complaint in Case 75-C-219, ret & filed: Served Dean H. Schroeder at Pawhuska, OK, on 6-9-76; served H. C. Wachtman, Jr. at Pawhuska, OK, on 6-9-76; served Wachtman Drilling Company by serving H. C. Wachtman, Jr. at Pawhuska, OK, on 6-9-76; served Geological & Engineering Consultants by serving H. C. Wachtman, Jr. at Pawhuska, OK, on 6-9-76; served Geological & Engineering Consultants by serving Dean H. Schroeder at Pawhuska, OK, on 6-9-76; served Wachtman Drilling Co. by serving Dean H. Schroeder at Pawhuska, OK, on 6-9-76.	
		(USM \$31.44)ph	

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-218 &</u> PAGE ____ OF <u>75-C-219</u> Consol
David E. Gilkey, et al		Wachtman Drilling Company , et al	
DATE	NR.	PROCEEDINGS	
6-30-76	45.	Defts' ans. to pltf's amended complaints, filed. ph w/leave of Court granted to file same. (HDC-J)ph	
7-30	MO.	Case set for PT hearing on 9-30-76 at 9:30 a.m. (HDC-J)ph	
9-30	MO:	PT hearing held. Statements made. Pltf's & defts' PT memorandums filed in open court. Parties directed to exchange reports of expert witnesses. Defts. allowed to conduct medical exam. of Mrs. Gilkey. Defts. given 5 days to amend ans. All discovery to be completed by 12-1-76. Pltf. to prepare PT order by 12-10-76 & case set for jury trial 1-10-77 at 9:30 a.m. Any PT briefs & req. instr. to be filed by 1-3-77. Parties to file simultaneous briefs by 12-10-76. (HDC-J)hm	
9-30	46.	Pltf's PT memorandum, filed. hm	
9-30	47.	Defts' PT memorandum, filed. hm	
10-8	48.	Defts' amendment to ans. to pltf's amended complaints, filed. ph w/Jury Trial Demanded.	
1-6-77	49.	Requested instructions of defs., filed. rm	
1-6-77	50.	Trial brief of defs., filed. rm	
1-7	51.	Pltf's requested instructions, filed. hm	
1-7	52.	Pltf's brief, filed. hm	
1-10	MO:	Conference held in chambers. Case passed for jury trial due to weather conditions until 4-11-77 at 9:30 a.m. (to be first case, but to follow any crim. cases set for J/T). Amendments made to PT order and final PT order to be filed on or before 1-14-77. Deft. given 20 days to file brief; pltf. granted 5 days thereafter to respond. Parties allowed to take further depositions & all discovery to be complete by 2-11-77. All exhibits to be pre-marked. Any additional requested instructions to be filed within 25 days. (HDC-J)hm	
1-11-77	--	Return on U.S. Marshal's Service, Subpoenas, fld. Served Max Womack in Fairfax, OK, on 1-5-77 w/fees of \$18.32. Served Frances Farrill in Claremore, OK, on 1-7-77, w/fees of \$9.20. Served Steve Brown in Skiatook, OK, on 1-7-77 w/fees of \$7.04. Served Sam Hill in OK City, OK, on 1-6-77 w/fees of \$3.00. Served Billy Richardson in Enid, OK, on 1-6-77 w/fees of \$27.00. Served Ed Vernon in Enid, OK, on 1-6-77 w/fees of \$3.00. (TOTAL FEES: \$67.56)v	
2-2	53.	Defts' appl. for ext. of time to resp. to pltf's trial brief, filed. ph (O to J)	
2-3	54.	Order, filed, that defts' are granted until 3-1-77 to file reply brief in resp. to pltf's trial brief. (HDC-J)ph cps mld	
3-2	55.	Defts' reply brief, filed. hm	
3-11	MO:	Per letter from the Court to parties this case is stricken from trial docket of 4-11-77; that final pre-trial order be filed no later than 3-25-77; if failure to comply w/Court's order this will constitute dismissal of case. (HDC-J) ph	
3-28	56.	Pre-trial Order, filed. (HDC-J)ph	
3-30	57.	Pltf's appl. to require defts. to present witnesses for depositions as ordered by the Court, filed. ph	
3-30	58.	Pltf's appl. to set on jury docket, filed. ph	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>75-C-218</u> <u>75-C-219</u> PAGE <u>5</u> OF <u>3</u> PAGES
GILKEY, DAVID E.		WACHTMAN DRILLING CO., et al	
DATE	NR.	PROCEEDINGS	
<u>1977</u> 3-31	MO:	It is ordered by the Court that the defts. file a resp. brief within 10 days to the pltf's appl. to require defts. to present witnesses for depositions as ordered by the Court. (HDC-J)ph cps mld	
4-11	59.	Defts' resp. to pltf's appl. to require defts. to present witnesses for depositions, filed. ph	
4-11	60.	Defts' brief in support of resp. to pltf's appl. to require defts. to present witnesses for depositions, filed. ph	
4-15	61.	Affidavit of C. H. Keplinger, filed. (To be attached to pleading #59)ph	
5-4	MO:	Case set for J/T on 8-8-77 at 9:30 a.m. (HDC-J)ph notices mld (trial briefs, req. voir dire and req. instr. to be filed by 7-22-77)	
6-9	62.	Order, fld., overruling Pltfs. mot. to require Defts. to present witnesses for depositions. (HDC-J)v -cps. mld.	
7-26	63.	Pltf's requested instructions, filed. ph	
7-26	64.	Pltf's additional requested instructions, filed. ph	
7-26	65.	Pltf's requested voir dire examination, filed. ph	
7-26	66.	Additional comment by the pltf. on the deft's duties under the National Electrical Safety Code, filed. ph	
8-2	67.	Defts' requested voir dire examination., filed. ph	
8-8	68.	Defts' motion in limine, filed. ph	
8-8	69.	Brief in support of deft's motion in limine, filed. ph	
8-8	MO:	Case called for jury trial. Parties announce ready. Jury empaneled, and admonished, but not sworn. Case continued to 8-10-77 at 9:30 a.m. (HDC-J)hm	
8-8		Subpoenae, ret. & filed: served Ed Vernon, Mrs. Frances Farrill, Max Womack, Billy Richardson, Sam W. Hill & Steve Brown. (\$94.48)g	
8-9	MO:	Case continued for jury trial until 9:30 a.m. 8-11-77. (HDC-J)hm	
8-10	MO:	Case continued for jury trial until 3:00 p.m. 8-11-77. (HDC-J)hm	
8-11	MO:	Case continued for jury trial until 10:00 a.m. 8-12-77. (HDC-J)hm	
8-11	MO:	Case continued for Jury trial until 9:30 a.m. 8-15-77. (HDC-J)ph	
8-19		Reporter's partial transcript of proceedings had on 8-18-77, filed. hm	
8-19	MO:	Jury trial held Aug. 15,16,17,18&19. In chambers prior to trial, defts' mo/limine sustained. Pltf. allowed to amend petition as to annual earnings of pltf. decedant. Jury sworn & admonished. Opening statements made. Pltf. presents case in chief w/test. of witnesses & introd. of exhibits. Pltf. rests. Defts' mo/directed verdict overruled. Deft. presents case in chief w/test. of witnesses & introd. of exhibits. Parties rest. Hrg. held in chambers re instructions. Defts' mo/directed verdict sustained as to defts. Dean H. Schroeder & H. C. Wachtman, Jr., as individuals; defts' mo/directed verdict overruled as to deft. Wachtman Drilling Co. Closing arguments made. Instructions given. Bailiff sworn. Alternate jurors excused. Jury retires to deliberate at 11:16 a.m. on 8-19-77. Jury returns w/verdict at 12:35 p.m. 8-19-77 finding in favor of defts. Verdicts ordered received, read & filed in open court. Deft. counsel to prepare formal judgment. By agreement of counsel, all large physical exhibits & drawings to be withdrawn, w/perm. of Court, except that 9' cable & 1' cable are to be retained by Clerk. (Deft's ex. 1, 245 (except for 9' cable), 246, 247 & 245 withdrawn). (HDC-J)hm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	DOCKET NO. _____
		PAGE ____ OF ____ PAGES

DATE	NR.	PROCEEDINGS
8-19		Trial exhibits, filed. (some with file, some in exhibit rm.)hm
8-19	70.	Verdict, filed in open court, finding that deceased, Durward M. Gilkey was an independent contractor. hm
8-19	71.	Verdict, filed in open court, finding for the defts. hm
8-19	72.	Instructions, filed in open cou t. (HDC-J)hm
9-12	73.	Journal entry of judgment, filed and entered, that judgment be entered in favor of the defts. and against the pltf., and that pltf. recover nothing from defts. and said defts. recover their costs from pltf. (HDC-J)ph cps mld
9-12	74.	Pltf's motion for new trial, filed. ph
9-12	75.	Brief in support of pltf's motion for new trial, filed. ph
9-12	MO:	Ordered by the Court that the deft. file a resp. brief within 10 days to the pltf's motion for new trial. (HDC-J)ph ltr mld
9-12	76.	Appl. of H. Lee Turner and John H. Kennedy to withdraw as attys of record for the pltf., filed. ph
9-22	77	Defts. response brief to Pltfs. brief in supp. of mot. for new trial. fld. ho
10-3	78.	Order, filed, that mo/new trial is overruled. (HDC-J)ph cps mld